

AVOID A SERIES OF UNFORTUNATE EVENTS BESETTING YOUR CHILDREN

When a series of unfortunate events sets in nobody can determine what fate may have in store. For this reason, the Institute of Professional Willwriters (**08456 442042**) is urging those with parental responsibility for their children to think deeply about what would happen to them if they were no longer around to care for them.

In the Lemony Snicket books, the unfortunate Baudelaire children lose their parents in a fire, this event making orphans of fourteen year old Violet, twelve year old Klaus and toddler, Sunny. This is just one of the ways in which children could lose their parents something that happens once every 30 minutes in the United Kingdom, on average.

The Baudelaire parents' affairs were placed in the hands of the executor¹, Mr Poe, but because no arrangements had been made for them in the Will, in terms of guardianship, they were passed from pillar to post as Mr Poe went through the process of "figuring out where you children will go." This placed them in the hands of the evil Count Olaf, Dr Montgomery and Aunt Josephine, to name but a few, as Count Olaf pursued his campaign to get his hands on the estate held in trust for the children.

Nobody would want this sort of scenario for their children, which is why the IPW is urging parents to make guardianship arrangements for them within their Will. Losing a parent is devastating enough, without the trauma of being continuously uprooted, but this is what could happen to your kids if you do not make provisions for their care.

As Paul Sharpe, the Chairman of the IPW, explains: "If no guardian has been appointed by the parents or parent and there is no surviving parent with parental responsibility¹, in the eyes of the law, the decision as to where the child or children should live would pass to the Court.

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"The children could then potentially be taken into care until any judgement is passed. This can be an extremely distressing process and probably not what the parents would have wanted for their children. Potentially, the child or children could then also be sent to live with someone who the parent would not have selected as a guardian for them."

The IPW stresses the need to make a guardianship arrangement within your Will, so that you achieve total peace of mind of knowing what arrangements will be followed, if your children lose you. In this way, both the care aspect and the financial arrangements and provisions for their future can be tied up together, ensuring that the law recognises exactly what your wishes were.

Rather than leaving someone else to make a judgement, you decide what is best for your children, in the event of your death, and you can discuss these arrangements with your children, if they are old enough to understand. You can also consult with your chosen guardian and explain to them how you would like to have your children brought up.

The Will can also take into account other important issues for the future, such as how your child's welfare will be paid for and whether or not money should be held in trust for them, beyond their 18th birthday. You will need to decide what expenditure can be paid for, from the trust, before the children inherit and whether you wish to gift any money to the guardian. This may require consideration as to whether or not to dispose of your property and may also need to examine the impact that Inheritance Tax could have.

Through a Will, the impact of Inheritance Tax can be minimised, using the law to work in your favour when it comes to disposing of your estate. This is something that a fully trained willwriter, in the shape of an IPW member, can advise upon, where necessary, if your estate is valued at more than £275,000.

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Choosing a guardian needs some consideration. Your parents may be obvious choices, but they may not be able to cope with the role. Other relatives may live some distance away, which would mean your children relocating and changing schools. Only you can decide who you feel suitable and able to cope with the important charge that comes with child care.

Through your Will, you can not only name one guardian, but select substitutes¹ who could step in, if your first choice of guardian was not able to act, so careful planning is the key.

On the other hand, don't assume that your parents would be given charge of your children. A grandparent has no rights in law unless they have been granted parental responsibility or been appointed as a guardian.

Similarly, not all fathers have parental responsibility for their children. Those who do are those who were married to the mother when the child was born, or unmarried fathers who were named on a birth certificate where the birth was registered on or after December 1, 2003. If you are a mother who would want your child's father to care for the child in the event of your death, but have not made a parental responsibility agreement with them, you need to name the father as your chosen guardian.

Only a mother can appoint a guardian on her death if the father has no parental responsibility for the child, or children, in the eyes of the law. Lesbian or gay partners have no automatic parental responsibility for their partner's children so if you are in a civil partnership or same sex relationship, you would need to specify that you wished your partner to become your child's guardian.

The issues surrounding guardianship can be complex, but the Institute of Professional Willwriters have fully trained members dealing with such issues continuously. In a sector that is not regulated, the IPW operates its own stringent regulation, insisting on its members passing professional exams, undertaking

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continuous development and having professional indemnity insurance in place. In these ways, it sets itself apart from the rest of the Willwriting industry, where the same standards are very rarely matched.

When it comes to planning for your children's welfare, it really is all about making your wishes known by setting them down within a legal document that cannot be ignored if you should die. It is also about ensuring that, if you do have a Will, this issue of guardianship of your children is covered, if you have children under the age of 16.

Remember that, if you don't make provisions for their future care, it can lead to a series of unfortunate events, which is not just the stuff of books and movies.

ENDS

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